



Docket No.: 20846/0205032-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jun HIRABAYASHI et al.

Application No.: 10/596,704

Filed: September 21, 2006

For: SUGAR CHAIN STRUCTURE PROFILING
TECHNIQUES

Confirmation No.: 9747

Art Unit: 1631

Examiner: Karlheinz R. SKOWRONEK

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Restriction Requirement set forth in the Office Action mailed April 15, 2009 (Paper No. 20090411), Applicant hereby elects Group 2, encompassed by claims 6-11, **with traverse**.

A Petition for a One-Month Extension of Time accompanies this paper.

It is believed that no additional fees are required for this Response. However, should additional fees be necessary in connection with the filing of this Response, or if a petition for further extension of time is required for timely acceptance of the same, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-0100 for any such fees, and Applicant hereby petitions for any needed additional extension of time.

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following two Groups under 35 U.S.C. §§ 121 & 372.

Group 1: claims 1-5, drawn to a method of analyzing sugar chain structure with an FAC device.

Group 2: claims 6-11, drawn to a method of analyzing sugar chain structure by immobilization.

In response, Applicant elects Group 2, encompassed by claims 6-11, **with traverse**.

Applicant respectfully traverses the Restriction Requirement. As the reason for requiring restriction, the Examiner has stated as follows:

The invention of group 1 requires the technical feature of a FAC device. The invention of group 2 does not require the FAC device; rather, the invention of group 2 relies on immobilization of sugar chain. The invention of group 1 does not require the technical feature of sugar chain immobilization. The inventions do not share either technical feature, thus unity of invention is lacking.¹

However, Applicant respectfully submits that Group 2 requires immobilization of proteins, not sugar chains. Further, Group 1 also requires immobilization of proteins. Therefore, Groups 1 and 2 do share the same or corresponding special technical feature because they both involve protein immobilization.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement, and respectfully requests that all the pending claims 1-11 be examined on the merits.

¹ Office Action mailed April 15, 2009, page 2, lines 14-19.